

PROB 12B
(7/93)Report Date: May 31, 2007
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court
for the
Eastern District of Washington

JUN 01 2007

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Kelly Matthew Clough

Case Number: 2:01CR00169-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Chief U.S. District Judge

Date of Original Sentence: 09/20/2002

Type of Supervision: Supervised Release

Original Offense: Possession of an Unregistered
Firearm, 26 U.S.C. § 5861(d)

Date Supervision Commenced: 04/26/2007

Original Sentence: Prison - 76 Months; TSR - 36
Months

Date Supervision Expires: 04/25/2010

PETITIONING THE COURT

To modify the special conditions of supervision as follows:

- 8 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 9 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

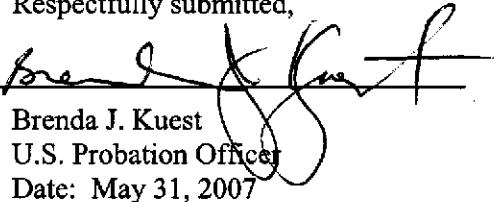
CAUSE

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug and/or alcohol tests per month.

The offender signed the "Waiver of Hearing to Modify Conditions of Supervised Release" on May 24, 2007. He understands the rational behind this modification. Mr. Clough continues to submit to Breathalyzer and drug testing. To date, all Breathalyzer and urine specimens provided by Mr. Clough have been negative.

Respectfully submitted,

by



Brenda J. Kuest
U.S. Probation Officer
Date: May 31, 2007

Prob 12B

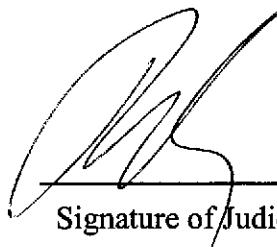
Re: Clough, Kelly Matthew

May 31, 2007

Page 2

THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other



Signature of Judicial Officer

June 1, 2007

Date